

Ordinance No. 798-11

**Council Members Miller, Kelley,
Cleveland, Zone, Cimperman, Keane
and Sweeney
(by departmental request)**

AN ORDINANCE

To provide for the consideration of Complete and Green Street elements in all construction projects within the public right-of-way.

WHEREAS, Complete and Green Streets address the livability and environmental needs of our community with multipurpose streets that better accommodate walkers, cyclists, and public transportation while reducing the environmental impact of our transportation infrastructure by incorporating green infrastructure strategies to reduce waste, storm water run-off and energy consumption; and

WHEREAS, the City of Cleveland is committed to the creation of a network of Complete and Green Streets that will improve the economic, environmental and social well-being of citizens; and

WHEREAS, Cleveland's network of Complete and Green Streets will provide safe and desirable travel for users of all ages and abilities and accommodate pedestrians, cyclists, motorists and transit while also incorporating best management practices in green infrastructure; and

WHEREAS, the City of Cleveland recognizes the need to provide a Complete and Green Streets policy to assist in the management of stormwater runoff and provide environmental benefit; and

WHEREAS, other jurisdictions and agencies nationwide have adopted Complete and Green Streets legislation in furtherance of these guiding policies; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Capital Projects is authorized to implement and enforce policies and guidelines related to Complete and Green Streets in all construction projects within the public right of way. Construction projects include new construction, reconstruction, rehabilitation, resurfacing, and streetscape enhancements.

Section 2. That Complete Street elements are based on guidelines contained in the following documents or organization policies: the Cleveland Bikeway Master Plan,

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the Americans with Disabilities Act, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal guidelines, the Highway Capacity Manual, the Streetscape Design Guidelines Handbook, the Greater Cleveland RTA Transit Waiting Environment Manual, the Citywide Plan, and other guidelines that may be developed. These guidelines shall be followed on all new construction, reconstruction, rehabilitation, resurfacing, and streetscape enhancements with the exception of maintenance projects.

Section 3. That Green Street elements are based on guidelines contained in the following documents or organization policies: Cleveland Water Pollution Control guidelines, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal Guidelines, the Streetscape Design Guidelines Handbook, the Northeast Ohio Regional Sewer District stormwater plans, the Ohio Department of Transportation and Ohio Environmental Protection Agency Best Management Practices for Green Streets, and other guidelines that may be developed.

Section 4. That Green infrastructure or Complete Streets elements on resurfacing projects and other roadway maintenance projects conducted by the City of Cleveland shall be limited to minimal impact improvements that do not affect sub base, curbs and sidewalks or other elements outside the scope of a project of maintenance resurfacing. Elements that may be included are paint re-striping, sharrows, signage for cyclists or pedestrians and the use of recycled asphalt.

Section 5. That the Director of Capital Projects shall be authorized to consult an advisory committee to include representatives of all effected City Departments, Northeast Ohio Regional Sewer District, Greater Cleveland Regional Transit Authority, and the Northeast Ohio Areawide Coordinating Agency to review the improvement and any requests for exemptions from the Complete and Green Streets guidelines and, upon

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consultation with other City Departments, approve exemptions where appropriate. The Director of Capital Projects shall provide notice of all exemption requests to the City Council member or members whose ward or wards include a project seeking an exemption.

Section 6. That exemptions to be considered include, but are not limited to, the following items:

(a) areas where bicyclists and pedestrians are prohibited by law, provided that alternative facilities or accommodations for pedestrians/cyclists are provided within the same transportation corridor;

(b) financial hardship to the project sponsor. Financial hardship exists when compliance with Complete and Green policies and guidelines constitutes a minimum of twenty (20) per cent of the total project cost, but in no event more than one million dollars;

(c) severe topographic or natural resource constraints;

(d) existing structures do not allow for implementation of Complete and Green Street elements;

(e) inclusion of Complete and Green Street elements could result in threats to the safety and welfare of pedestrians, cyclists, or motorists; or

(f) public transit enhancements when the street is not on a public transit route.

Section 7. That all projects approved under the Complete and Green Streets policy include provisions for ongoing maintenance of the improvements. A life cycle cost analysis may be used to determine the feasibility of the improvements. Alternative maintenance arrangements may be utilized to reduce the costs to the City for ongoing maintenance, such as maintenance agreements with adjacent property owners.

Section 8. That the Director of Capital Projects shall provide an annual progress report to Council on the implementation of the Complete and Green Streets Policy.

Section 9. That this ordinance shall be effective January 1, 2012.

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Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 5, line 2, strike "all effected City Departments to review" and insert "representatives of all effected City Departments, Northeast Ohio Regional Sewer District, Greater Cleveland Regional Transit Authority, and the Northeast Ohio Areawide Coordinating Agency to review the improvement and any"; and at the end of the section add the following new sentence: "The Director of Capital Projects shall provide notice of all exemption requests to the City Council member or members whose ward or wards includes a project seeking an exemption.".

2. Insert new Sections 8 and 9 to read as follows:
"Section 8. That the Director of Capital Projects shall provide an annual progress report to Council on the implementation of the Complete and Green Streets Policy.

Section 9. That this ordinance shall be effective January 1, 2012.".

3. Renumber existing Section 8 to new "Section 10".

Date: 8/15/11

(Signed):

Gary Singletary
Assistant Director of Law

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